

## Message Text

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ACTION L-02

INFO OCT-01 SS-14 ADP-00 AF-04 ARA-10 EA-13 EUR-10 NEA-06

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C O N F I D E N T I A L GENEVA 4089

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DEPT PASS FOR INFO DEPT DEFENSE AND DEPT TRANSPORTATION

E.O. 11652: GDS

TAGS: PBOR, UN

SUBJ: LOS: DISCUSSIONS WITH SOVIETS ON STRAITS

1. ROBERTSON, DUGGER AND AKE MET WITH BARABOLIA AND INTERPRETER TO DISCUSS STRAITS QUESTIONS AT SUGGESTION OF SOVIET DELEGATION HEAD KOLESNIK.

2. SOVS EXPRESSED VIEW THAT OPPONENTS OF FREE TRANSIT WERE EXTREMELY ACTIVE IN BEING HEARD BUT ONLY US AND USSR WERE SPEAKING IN FAVOR. VOCAL ASSISTANCE NEEDED FROM SUCH COUNTRIES AS LIBERIA, PANAMA, BELGIUM, AND NETHERLANDS. DEVELOPING COUNTRIES INCREASINGLY BELIEVE OVERWHELMING MAJORITY OPPOSES FREE TRANSIT. WE AGREED MORE POSITIVE PUBLIC SUPPORT FOR FREE TRANSIT NEEDED, AND INDICATED ONE OR MORE DELEGATIONS EXPECTED TO SPEAK IN FAVOR WITHIN NEXT FEW DAYS.

3. SOVS INQUIRED OUR REACTIONS TO ITALIAN STRAITS  
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ARTICLES. WE SAID IT WAS HELPFUL BUT DID NOT ENTIRELY

MEET OUR NEEDS. SOVS CONCURRED, STATING THAT THEIR VIEW OF NARROW STRAITS WAS THOSE LESS THAN THREE MILES WIDE, THIS BEING MINIMUM PRACTICABLE WIDTH FOR PASSAGE OF SHIPS CUSTOMARILY USED FOR INTERNATIONAL NAVIGATION.

4. SOVS PRODUCED PROPOSED CHANGES IN SOV DRAFT STRAITS ARTICLES OF JULY 1972 (DOC.A/AC.138/SC.II/L.7) AS FOLLOWS: FIRST ARTICLE, PARA 1 FIRST SENTENCE..DELETE"AS THEY HAVE ON THE HIGH SEAS"; INSERT AS FOLLOWS BETWEEN FIRST AND SECOND SENTENCES: "IN STRAITS BETWEEN THE HIGH SEAS AND THE TERRITORIAL SEA OF A COASTAL STATE AND WHICH LEAD ONLY TO THIS TERRITORIAL SEA, THE PRINCIPLE OF INNOCENT PASSAGE OF ALL SHIPS SHALL BE APPLIED". PARA 2(B): FIRST SENTENCE, DELETE "AND, IN STRAITS" THROUGH "BETWEEN THE LANES". INSERT AS FOLLOWS BETWEEN FIRST AND SECOND SENTENCES: "IN STRAITS WITH HEAVY TRAFFIC OF SHIPS, A COASTAL STATE MAY, ON THE BASIS OF IMCO RECOMMENDATIONS, DESIGNATE SEPARATE LANES FOR THE PASSAGE OF SHIPS CLEARLY INDICATING THE DIVIDING LINE BETWEEN THE LANES. ALL SHIPS SHALL KEEP THE ESTABLISHED TRAFFIC-ORDER AS WELL AS THE DIVIDING LINE BETWEEN THE LANES." PARA 2(C): ADD AT END OF PRESENT ARTICLE: "FOR THIS PURPOSE, IN STRAITS WITH HEAVY TRAFFIC OF SHIPS, SUPERTANKERS OF THE DISPLACEMENT MORE THAN 100 THOUSAND TONS SHALL PASS ONLY DURING THE LIGHT PERIOD OF THE DAY".

SECOND ARTICLE, PARA 2, ADD NEW 2(A) AS FOLLOWS, RETAININ AND RENUMBERING REMAINING 2(B) THROUGH 2(E): "TO SECURE THE SAFETY OF OVERFLIGHT, A COASTAL STATE TO THE STRAITS SHALL BE PRELIMINARILY NOTIFIED IN EVERY CASE OF THE OVERFLIGHT OF MILITARY AIRCRAFT SEVERAL DAYS BEFORE THE OVERFLIGHT TAKES PLACE."

5. BARABOLIA STATED THAT THE WORDING OF ADDITION TO FIRST ARTICLE ON STRAITS HAD BEEN APPROVED IN MOSCOW AND CLEARED WITH ARABS. WE SUGGESTED ALTERNATIVE WORDING AS FOLLOWS BETTER TO MEET NEEDS OF TIRAN: "IN STRAITS WHICH ARE USED FOR INTERNATIONAL NAVIGATION BETWEEN ONE PART OF THE HIGH SEAS AND THE TERRITORIAL SEA OF A FOREIGN STATE THE REGIME OF INNOCENT PASSAGE SHALL BE APPLIED. THERE SHALL BE NO SUSPENSION OF THE INNOCENT PASSAGE OF FOREIGN SHIPS THROUGH SUCH STRAITS". SOVS STATED "WHICH ARE USED FOR INTERNATIONAL NAVIGATION" WOULD BE UNSATISFACTORY TO ARABS BUT DID

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RITORIAL SEA OF A FOREIGN STATE THE REGIME OF INNOCENT PASSAGE SHALL BE APPLIED. THERE SHALL BE NO SUSPENSION OF THE INNOCENT PASSAGE OF FOREIGN SHIPS THROUGH SUCH STRAITS". SOVS STATED "WHICH ARE USED FOR INTERNATIONAL NAVIGATION" WOULD BE UNSATISFACTORY TO ARABS BUT DID

NOT GIVE PRECISE REASONS. DECLARED THAT SECOND PROPOSED SENTENCE WOULD NOT NOW BE ACCEPTABLE BUT PROBABLY

WOULD BE IN MUCH LATER STAGE OF NEGOTIATIONS.

6. DISCUSSED MODIFICATION TO SOV DRAFT TEXT TO READ AS FOLLOWS: "IN STRAITS BETWEEN THE HIGH SEAS AND THE TERRITORIAL SEAS OF ONE OR SEVERAL COASTAL STATES AND WHICH LEAD ONLY TO THE TERRITORIAL SEAS OF THESE STRAITS, THE PRINCIPLE OF INNOCENT PASSAGE OF ALL SHIPS SHALL BE APPLIED". SOVS BELIEVE THIS MIGHT BE ACCEPTABLE ALTERNATIVE AND WOULD CONSIDER FURTHER.

7. BARABOLIA SAID DRAFT MODIFICATION TO OVERFLIGHT ARTICLE HAD BEEN MADE ONLY FOR PURPOSES OF DISCUSSION WITH US. WE REMINDED HIM OF OUR PREVIOUS DISCUSSIONS AND SAID THAT NOTIFICATION REGIME FOR MILITARY AIRCRAFT CONTINUED TO BE WHOLLY UNACCEPTABLE.

8. WE AGREED TO REVIEW PROPOSALS AND DISCUSS FURTHER. NO INTRODUCTION OF ARTICLES OR DISCUSSION WITH GROUP OF FIVE TO BE UNDERTAKEN PENDING FURTHER BILATERAL DISCUSSIONS.

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